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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,271	12/08/2004	Shuji Yoshino	4746-4000	4289
27123	7590	10/20/2006		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER HOOK, JAMES F	
			ART UNIT 3754	PAPER NUMBER

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/517,271	Applicant(s) YOSHINO, SHUJI	
	Examiner James F. Hook	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Strassel.

The patent to Strassel discloses the recited resin coated steel pipe comprising a steel thin walled corrugated pipe 2, a layer 8 formed of an elastomer which acts as an adhesive layer for the remaining layers, an addition plastic layer can then optionally be provided above the elastomer layer, and an alloy resin material 9 is placed over the top of all layers and is formed of a material that is a mix of a crystalline material with a styrene based resin, such as using PBT or polyamide resins in an ABS material, where inherently the adding of such materials as PBT can give the material the ability to slide, where the pipe structure is uniform and is provided with corrugations that are spiral and therefore contain a component in the axial direction thereby extending in the axial direction around the circumference of the pipe, where the corrugations form ridges and furrows, and as shown in figures 4 and 6, the alloy material of layer 9 can extend into the grooves, which is spline shaped based upon the definition of spline being a thin metal strip of which Strassel is formed (see Websters 10<sup>th</sup> Edition Collegiate Dictionary).

### ***Response to Arguments***

Applicant's arguments filed July 31, 2006 have been fully considered but they are not persuasive. It is noted that applicant mentions claims 5-14, however, there are only claims 1-4 currently filed in this application, therefore claims 5-14 were mentioned in error. With respect to applicants argument that the alloy material is not set forth in Strassel, and that no such suggestion of forming the alloy is present in the patent, such is not persuasive when column 11, line 57 to column 12, line 2 discusses forming an alloy by mixing amounts of polymer of layer 9 in with the elastomer of layer 8 to form an additional layer which thereby teaches forming the alloy material by combining the crystalline plastic material with the styrene based resin, where such can be used for layer 8 as set forth in the reference and acknowledged by applicant. The examiner was not attempting to assert that the layer 8 of Strassel was the alloy layer, such could not be easily described when there is no figure that sets forth the alloy layer embodiment as set forth above, and as set forth above Strassel does teach combining the materials of layers 8 and 9 to form another layer. With respect to the argument directed toward the additional plastic layer, it is noted in the quote applicant included from column 11, lines 42-56, specifically the line "a plastic material optionally fiber reinforced" is setting forth a plastic tape layer, it is immaterial whether that plastic layer is further provided optionally with fiber reinforcement. With respect to the arguments directed toward the longitudinal direction, in the embodiment which would be formed by the additional alloy layer, especially when such can be provided in tape form over the corrugated metal layer would thereby provide the alloy layer with corrugations the same as the layer 8, and therefore the alloy layer would likewise be provided with furrows the same as layer 8,

Art Unit: 3754

and the component in the longitudinal direction that the corrugations forms is considered adequate to meet the claim language as it currently appears. If more specific language were provided that further defined these furrows and ridges, such still may not be allowable in that there are references cited which teach longitudinal ridges and furrows in multilayer tube structures.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Klos, Okamura, Hwang, and Takagi disclosing state of the art coated pipes and plastic alloys used for pipes.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

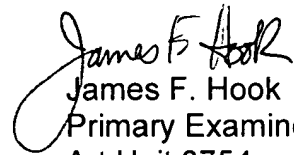
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-

Art Unit: 3754

4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
James F. Hook  
Primary Examiner  
Art Unit 3754

JFH